REMARKS

Status of Claims

The Office Action mailed January 27, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Applicants appreciate the withdrawal of all of the earlier applied rejections.

Claims 1-22 were pending in the application. Claims 1 and 18-20 have been amended, no claims have been canceled or newly added. Therefore, claims 1-22 are pending in the application and presented for reconsideration.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Prior Art Rejections

In the Office Action, claims 1, 2, 6, 7, and 11-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,572,670 to Puckett (hereafter "Puckett"), further in view of U.S. Patent 5,794,234 to Church et al. (hereafter "Church"), further in view of U.S. patent 5,557,780 to Edwards et al. (hereafter "Edwards"). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Puckett, Church, further in view of Edwards, further in view of U.S. patent 6,708,166 to Dysart et al. (hereafter "Dysart"), further in view of U.S. Patent 5,526,484 to Casper et al. (hereafter "Casper '484"). Claims 4, 5, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Puckett, further in view of Church, further in view of Edwards, further in view Dysart, further in view of Casper '484, further in view of U.S. patent 6,157,988 to Dowling (hereafter "Dowling"). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Puckett, further in view of Church, further in view of Edwards, further in view of U.S. patent 4,945,479 to Rusterholz et al. (hereafter "Rusterholz"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Puckett, further in view of Church, further in view of Edwards, further in view of U.S. patent 5,406,563 to Loebig (hereafter "Loebig"). Applicants respectfully traverse these rejections for at least the following reasons.

Each of the independent claims 1, 18, 19, and 20 recite a computer implemented method (or system/software) that, *inter alia*, tracks errors in inbound documents received from trading partners in a business-to-business electronic commerce system in which (1) a translator checks compliance of the document for translation from a source format to a desired target format, and (2) on attempting translation of the document, error data detected in the translation are captured to a tracking database. At least this recited feature is not disclosed or suggested by the applied prior art.

As stated in the prior reply, Puckett is not relevant to claimed invention since it relates to a translator that translates low level error data (for example, binary records) stored in an error database to a more intelligible form and correlates higher level queries to the lower level error data stored in the error *log* database 168.. The error data stored in the error log database is derived from system *log* files in a mass data storage system. See col. 2, lines 17-20 and col. 3, lines 4-12 of Puckett. Therefore, the error processing in Puckett has nothing to do with the claimed capturing of error data that represents errors in inbound document which are detected in the translation process.

The asserts that the interpreter-converter module 108 somehow reads on the claimed translator. However, nowhere does Puckett teach or suggest that errors detected in the translation (by the interpreter-converter module 108) are written to the error log database 168 (as is required by the pending independent claims) which the asserts to correspond to the tracking database. In fact, as discussed earlier herein, the error log database 168 stores information about errors in data storage systems and has nothing to do with the claimed tracking database. Accordingly, at least these recited features are not disclosed or suggested by Puckett.

Since these deficiencies in Puckett are not cured by any of the other applied references, the fails to make a *prima facie* case of obviousness with respect to the pending claims.

It should be noted that the Patent Office (PTO) has the burden of proving each of the claimed features is shown by the prior art. An allegation that claimed subject matter is "obvious" (as here alleged) requires a positive, concrete teaching in the prior art, such as would lead a person skilled in the art to choose the claimed combination from among many

that might be comprehended by broad prior art teachings. The PTO's review court has made it very clear that silence in a reference is hardly a substitute for clear and concrete evidence from which a conclusion of obviousness might justifiably flow. See, e.g., *Application of Burt*, 356 F.2d 115, 121 (CCPA 1966).

The Office Action does not meet this burden with respect to several assertions. For example, in paragraph 12, the Office Action alleges that "Puckett's invention is a bi-directional translator, which *could serve this role* in an electronic commerce system." Such an assertion does not meet the standard of a concrete, positive teaching when the disclosure of Puckett is plainly directed at providing more intelligible access to data from log files of mass storage systems. See Abstract and throughout the disclosure of Puckett.

With respect to motivation to combine Puckett with Church, the Office Action alleges presumably with respect to Puckett that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to exchange information from trading partners because it facilitates the use of EDI protocol." However, how the translation of mass storage log data from a low level to a more intelligible level would be relevant to exchanging data from trading partners is not clear to one skilled in the art whether it be one skilled in the computer art or the e-commerce systems art. Therefore, the Office Action does not provide a proper motivation to combine the references as proposed in the Office Action. Furthermore, as discussed earlier, no reasonable interpretation of the pending claims reads on any combination of the applied prior art since specifically recited features in the pending claims are not disclosed by any of the applied prior art.

Accordingly, applicants respectfully submit that the pending independent claims are patentable over the applied prior art.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

For example, the features recited in claims 21 and 22 are not disclosed or suggested by the applied prior art. The Office Action asserts (in paragraph 26) that Edwards discloses "making error checks based on an identifier in order to verify transactions." This assertion

appears to be irrelevant to the plain language of claims 21 and 22. Accordingly, these recited features provide additional reasons for the patentability of these claims.

Conclusion

In view of the foregoing amendments and remarks, applicants believe that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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